

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY DOCKET NO./TITLE
09/625,080	07/25/2000	Stephen J. Brown	HERO-1-1097

25315  
BLACK LOWE & GRAHAM  
816 SECOND AVE.  
SEATTLE, WA 98104

RECEIVED  
MAY 15 2002

Time Received:  
Black Lowe & Graham PLLC

CONFIRMATION NO. 6262  
ABANDONMENT/TERMINATION  
LETTER



\*OC000000008066827\*

Date Mailed: 05/09/2002

**NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)**

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 09/13/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART I - ATTORNEY/APPLICANT COPY

DOCKETED

CF 5-21-02

Action: *not a Abandon*

Due Dates: *None*

*File Inactive*

*mg. fr. 5/24/02*

**EXHIBIT A**



## EXHIBIT B

4 PAGES

Attorney Docket: HERO-1-1097

Filed by: (MSS/MJF)

Dated: 11/03/2000

Sent via: First Class Mail

Re: Response to Notice to File Missing Parts (dated 9/13/00)

Serial No.: ~~09460,970~~ 09/625,080

Title: Aggregating and pooling information in a communication system with feedback

DOCKETED  
MJF  
Date 11-16-00

Transmittal Letter (1 pg)  
Copy of Notice to File Missing Parts (1 pg)  
Copy of Declaration from Parent Case (2-pgs)  
Check No. 3258 (\$65 surcharge fee)  
Return Post Card



Commissioner for Patents, BOX MISSING PARTS, Wash., D.C. 20231  
Please acknowledge the receipt of the above by applying the OFFICIAL  
PATENT OFFICE date stamp on this card and mailing it.

RECEIVED

JUN 17 2003

OFFICE OF PETITIONS



BOX MISSING PARTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: S. Brown Attorney Docket No. HERO-1-1097  
Serial No: ~~09/160,970~~ 09/625,080 Group Art Unit: 2761  
Filed: ~~September 25, 1998~~ 07/25/00 Examiner: G. Morgan  
Title: AGGREGATING AND POOLING INFORMATION IN A  
COMMUNICATION SYSTEM WITH FEEDBACK

TRANSMITTAL LETTER FOR MISSING PARTS

TO THE COMMISSIONER FOR PATENTS:

RECEIVED

JUN 17 2003

Enclosed with this transmittal letter are the following papers:

OFFICE OF PETITIONS

1. Copy of Notice to File Missing Parts dated 9/13/00;
2. Copy of Declaration from Parent Case (Serial Number 09/160,970);
3. Check No. 3258 in the amount of \$65 (surcharge fee); and
5. Return postcard.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>

*Michael S. Smith*

Michael S. Smith  
Registration No. 39,563  
Direct Dial: 206.749.9888

CERTIFICATE OF MAILING

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: Commissioner for Patents, BOX MISSING PARTS, Washington, D.C., 20231.

11/3/00

Date of Deposit

*Michelle J. Funston*

Michelle J. Funston

BLACK LOWE & GRAHAM<sup>PLLC</sup>

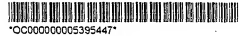


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20530  
WWW.USPTO.GOV

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/625,080	07/25/2000	Stephen J. Brown	HERO-1-1097

## FORMALITIES LETTER



\*00000000005395447\*

Michael S. Smith  
Black Lowe & Graham PLLC  
816 2nd Avenue  
Seattle, WA 98104

Date Mailed: 09/13/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

*A copy of this notice MUST be returned with the reply.*

*Wesley Mero*  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



BLACK LOWE & GRAHAM PLLC  
GENERAL ACCOUNT II  
816 2ND AVE. 206-621-8200  
SEATTLE, WA 98104

KEYBANK NATIONAL ASSOCIATION  
SEATTLE, WASHINGTON 98104  
1-800-KEY2YOU

3258

19-57  
1250

11/2/2000

PAY TO THE ORDER OF US Patent & Trademark Office

\*\*65.00  
\$

Sixty-Five and 00/100\*\*\*\*\*

DOLLARS

US Patent & Trademark Office  
2900 Crystal Drive  
Arlington, VA 22202-3503

HERO 11097

MEMO

⑈003258⑈ ⑆125000574⑆ 471631007583⑈

BLACK LOWE & GRAHAM PLLC  
US Patent & Trademark Office

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3258  
65.00

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## EXHIBIT C

Attorney Docket: HERO-1-1097

Filed by: (MSS/MJF)

Dated: 07/25/2000

Sent via Express Mail No.: EL476437636US

Re: Continuation of Patent Application

Serial No.: 09/160,970

Title: Aggregating and pooling information in a communication system with feedback

Transmittal Letter (1 pg)  
Application (spec 20 pgs, claims 5 pgs and abstract 1 pg)  
Check No. 2493 (\$345 filing fee)  
Copy of Assignment (1 pg)  
Copy of Small Entity Statement (2 pgs)  
Copy of Revocation and Power of Attorney from a commonly assigned patent (2 pgs)  
Return Post Card

*DRAWINGS  
25 APPEND*



DOCKETED

MJF

Date

*8-7-00*

*PATENT APP.*

Assistant Commissioner for Patents, Box 584, Wash., D.C. 20231

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# BLACK LOWE & GRAHAM<sup>PLLC</sup>

816 Second Avenue • Seattle, Washington 98104  
206.381.3300 • Fax: 206.381.3301 • www.blacklaw.com

## EXHIBIT D

April 10, 2001

U.S. Patent & Trademark Office  
Attn: Janice Burse  
Customer Service Center  
Washington, D.C. 20231

Michelle J. Funston  
Email: funston@blacklaw.com

Re: AGGREGATING AND POOLING INFORMATION IN A  
COMMUNICATIONS SYSTEM WITH FEEDBACK  
Our Ref: HERO-1-1097  
Serial Number: 09/625,080  
Filed: July 25, 2000

Dear Ms. Burse:

Pursuant to our telephone conversation of today, I am enclosing our response to Notice to File Missing Parts in the above-referenced patent application.

We filed our notice to File Missing Parts with your office on November 3, 2000. However, we recently noticed that at the time of filing, we inadvertently made reference to the "parent application serial number" (09/160,970) rather than the continuation application serial number (09/625,080) on our Transmittal Letter for Missing Parts. I have enclosed a copy of the documents filed on November 3, 2000 for your reference. (See corrections made on the Transmittal Letter).

Please advise our office if you require further documentation to correct this error. Our office number is 206-381-3300 and our fax number is 206-381-3301.

Thank you very much for your cooperation.

Very truly yours,

BLACK LOWE & GRAHAM<sup>PLLC</sup>

Michelle J. Funston  
Patent Paralegal

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JUN 17 2003

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Patents  
Trademarks  
Copyrights  
Technology  
Transfer  
Litigation

Enclosed:

As noted.

HERO-1-1097L4